

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/909,062	
	Filing Date	July 19, 2001	
	First Named Inventor	Anil K. Saxena	
	Art Unit	1654	
	Examiner Name	M. Audet	
Total Number of Pages in This Submission	6	Attorney Docket Number	IN01157K

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Suppl. Appl. for Patent Term Adj. - 2pgs. ; Suppl. Patent Term Adj. Summary - 1pg. ; Patent Term Adjustment History - 2pgs.
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Palaiyur S. Kalyanaraman, Reg. No. 34,634
Signature	
Date	11/02/2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
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Docket No.: IN 01157K  
(SCHERING 3.0-120)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Saksena et al.

Application No.: 09/909,062

Filed: July 19, 2001

U.S. Patent 6,800,434

Issue date of Patent: October 5, 2004

For: NOVEL PEPTIDES AS NS3-SERINE PROTEASE  
INHIBITORS OF HEPATITIS C VIRUS

Group Art Unit: 1654

Examiner: M. Audet

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL APPLICATION FOR PATENT TERM ADJUSTMENT**  
**FILED UNDER 37 CFR § 1.704(e)**


Dear Sir:

It is respectfully requested that the "Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)" of "0 day(s)" shown on PTOL-85 mailed May 19, 2004 be revised pursuant to the instant application in order to properly reflect the patent term adjustment due the patentees of sixty (60) days. This Patent (6,800,434) issued on October 5, 2004. This supplementary application is being filed in view of an error by the Patent and Trademark Office in entering the prior application filed August 10, 2004 as a "Miscellaneous Incoming Letter" and charging Applicants with an additional 57 days, as shown on the Patent Term Adjustment History (copy enclosed). Consequently, the fee normally due in connection with filing an Application For Patent Term Adjustment should be waived for the present application. However, if it is determined that no waiver is possible, please charge deposit account No. 19-0365 in the amount of \$200.00 pursuant to 37 C.F.R. § 1.18(e). In the event that any additional fee is due in connection with the present application, such additional fee should be charged to the same deposit account.

As required, Applicants include a statement of the facts involved in support of the application for adjustment of patent term. The statement of facts is presented in the form of a table, enclosed herein, summarizing both the time credits and time debits, including: (1) the relevant dates and an explanation in support of each entry in view of §§1.703(a) through (e); (2) the circumstances during the prosecution of the application resulting in the patent that constitute a "failure to engage in reasonable efforts to conclude processing or examination" as set forth in §1.704; and (3) the adjustment as specified in §1.703(f) to which the patent is entitled. The patent is not subject to a terminal disclaimer. Furthermore, Applicants also enclose a copy of the Patent Term Adjustment History as obtained from the Patent and Trademark Office website showing an incorrect entry on August 10, 2004 ("Miscellaneous Incoming Letter"), the date on which the prior Application for Patent Term Adjustment was filed, incurring a charge of 57 days against patentee. It is required that, pursuant to 37 C.F.R. § 1.704(e) Applicant's original Application for Patent Term Adjustment "will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application." Therefore, it is also respectfully requested that the fee normally due for filing of an Application for Patent Term Adjustment be waived with regard to the present Supplemental Application in view of the error by the Office.

Dated: November 2, 2004

Respectfully submitted,

By   
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Enclosure

LD-453\  
47842\_1.DOC

**SUPPLEMENTAL PATENT TERM ADJUSTMENT SUMMARY**  
**(Patent Application Number: 09/909,062; Filing Date July 19, 2001)**



CREDITS (DAYS)	COMMENTS	DEBITS (DAYS)	COMMENTS
13	Delay (beyond 14 months from filing date) for issuance of first Office Action-Oct. 2, 2002	95	Delay: Response dated Sept. 29, 2003 to Office Action dated March 26, 2003 (3 month petition for extension of time granted)
33	Delay (beyond 4 months) for response dated March 26, 2003 to Applicants' Reply dated Oct. 21, 2002	44	Delay: filing of supplemental IDS Nov. 12, 2003 after issuance of non-final Office Action Sept. 29, 2003 (per 37 C.F.R. §1.97(c))
153	Delay in mailing Notice of Allowance to the correct Customer: original notice mailed Dec. 18, 2003 to an unrelated third party; corrected notice mailed May 19, 2004.	-	Petition under 37 CFR 1.181(a)(3) dated May 10, 2004, necessitated by misdirected mailing of Notice of Allowance by the Office to unknown third party. Petition promptly filed after Applicants learned of Office error. Petition necessarily filed after response to non-final Office Action dated Sept. 29, 2003. The filing of a paper to correct an Office error cannot incur a time debit.
		-	Petition under 37 CFR 1.181(a)(3) dated May 10, 2004 also petitioned the Director to revive the presumptively abandoned application (failure to pay Issue Fees caused by Office mailing error). Petition filed after date on which Issue Fees were required to be paid; due to misdirected Notice of Allowance. Office mailed original notice of allowance to the wrong party on Dec. 18, 2003. Filing a paper to correct an Office error cannot incur a time debit.
		-	Application for Patent Term Adjustment; Office incorrectly entered as "Miscellaneous Incoming Letter" and charged 57 days against Applicant. Pursuant to 37 C.F.R. §1.704(e), no such charge is permitted.*
<b>Total: 199</b>		<b>Total: 139</b>	
<b>NET PATENT TERM ADJUSTMENT DUE PATENTEE: 60 DAYS</b>			

\* Copy of Patent Term Adjustment History from USPTO website enclosed.

Printer Friendly

09/909,062

NOVEL PEPTIDES AS NS3-SERINE PROTEASE INHIBITORS OF HEPATITIS C VIRUS

## Patent Term Adjustment History



Patent Term Adjustment (PTA) for Application Number: 09/909,062			
			Days
Filing or 371(c) Date:	07-19-2001	USPTO Delay (PTO):	78
Issue Date of Patent:	10-05-2004	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	196
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
10-05-2004	Patent Issue Date Used in PTA Calculation		
09-15-2004	PTA 36 Months	65	
09-03-2004	Receipt into Pubs	↑	
09-02-2004	Dispatch to FDC	↑	
09-02-2004	Application Is Considered Ready for Issue	↑	
08-10-2004	Mailroom Date of Issue Fee Payment	↑	
08-10-2004	Miscellaneous Incoming Letter	↑	57
08-10-2004	Workflow incoming petition IFW	↑	
08-10-2004	Issue Fee Payment Recorded	↑	
08-10-2004	Petition Decision - Dismissed	↑	
07-06-2004	Receipt into Pubs	↑	
05-19-2004	Mail Corrected Notice of Allowance	↑	
05-19-2004	Corrected Notice of Allowance	↑	
05-10-2004	Petition Entered	↑	
05-10-2004	Miscellaneous Incoming Letter	↑	
05-10-2004	Workflow incoming petition IFW	↑	
04-23-2004	Receipt into Pubs	↑	
02-11-2004	Workflow - File Sent to Contractor	↑	
02-11-2004	Receipt into Pubs	↑	
12-18-2003	Mail Notice of Allowance	↑	
12-12-2003	Issue Revision Completed	↑	
12-12-2003	Notice of Allowance Data Verification Completed	↑	
12-12-2003	Notice of Allowability	↑	
11-12-2003	Reference capture on IDS	↑	
11-12-2003	Information Disclosure Statement (IDS) Filed	↑	44
10-09-2003	Correspondence Address Change	↑	↑
10-09-2003	Correspondence Address Change	↑	↑
10-07-2003	Date Forwarded to Examiner	↑	↑
09-29-2003	Reference capture on IDS	↑	↑
09-29-2003	Information Disclosure Statement (IDS) Filed	↑	↑
09-29-2003	Response after Non-Final Action	↑	95
09-29-2003	Request for Extension of Time - Granted	↑	↑
03-26-2003	Mail Non-Final Rejection	↑	↑

03-24-2003	Non-Final Rejection	↑	
03-03-2003	Case Docketed to Examiner in GAU	↑	
02-27-2003	Date Forwarded to Examiner	↑	
02-21-2003	CRF Is Good Technically / Entered into Database	↑	
02-13-2003	Response after Non-Final Action	↑	
02-13-2003	Request for Extension of Time - Granted	↑	
12-19-2002	Mail Miscellaneous Communication to Applicant	↑	
12-19-2002	Miscellaneous Action with SSP	↑	
10-28-2002	Date Forwarded to Examiner	↑	
10-21-2002	Response to Election / Restriction Filed	↑	
10-02-2002	Mail Restriction Requirement	13	
10-01-2002	Requirement for Restriction / Election	↑	
08-08-2002	Case Docketed to Examiner in GAU	↑	
07-18-2002	Information Disclosure Statement (IDS) Filed	↑	
05-07-2002	Case Docketed to Examiner in GAU	↑	
01-03-2002	Reference capture on IDS	↑	
01-03-2002	Information Disclosure Statement (IDS) Filed	↑	
01-03-2002	Information Disclosure Statement (IDS) Filed	↑	
10-25-2001	Application Dispatched from OIPE	↑	
10-25-2001	Application Is Now Complete	↑	
09-06-2001	Notice Mailed--Application Incomplete-- Filing Date Assigned	↑	
08-29-2001	Correspondence Address Change	↑	
07-30-2001	IFW Scan & PACR Auto Security Review	↑	
07-19-2001	Initial Exam Team nn	↑	

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